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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,881	06/14/2000	H. Brock Kolls	BK-020-03	8159

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EXAMINER	
TRINH, TAN H	
ART UNIT	**PAPER NUMBER**
2684	15

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/593,881	Applicant(s) KOLLS, H. BROCK	
	Examiner TAN TRINH	Art Unit 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 April 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-6,8,12-15,29 and 31-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-6,8,12-15 and 31-46* is/are rejected.

7)☐ Claim(s) *29,30 and 47* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 1-7-2004 has been received and placed of record in the file.

Allowable Subject Matter

1. Claims 29-30 and 47 are is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for allowance

2. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 29 and 47, the prior art of record fails to teach or suggest, wherein the step of establishes communication with the in-vehicle device comprises the step of: physically transporting data from the in-vehicle for delivery to the global network base data processing resource, as cited in claims 29 and 47.

Claim 30 is allowed with the same reasons set forth in the previous Office action (paper # 11).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2-6 and 31-35, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon (U.S. Patent No. 6,408,232) in view of Razavi (U.S. Pub. No. 20010033225).

Regarding claim 31, Cannon teaches a communication interface device for managing communications between an in-vehicle device within a vehicle and at least one global network based data processing resource remote to the vehicle resources (see fig. 1, col. 1, lines 50-65), the communication interface device being located external to the vehicle (see fig. 1), the communication interface device comprising: a transceiver configured to establish communication with the in-vehicle device (see fig. 2, transceiver 16); at least one communication interface configured to establish communication with the at least one global network based data processing resource (see figs. 3-4, (see col. 6, lines 14-38 and col. 6, lines 46-col. 7, lines 67); a memory interconnected with the transceiver (see col. 5, lines 15-22) and the at least one communication interface (see col. 5, lines 31-43) ; and a controller located remote to the vehicle (see fig. 3, controller 32, col. 6, lines 46-col. 7, lines 67)) the controller interconnected with the transceiver (see figs. 2 and 3, controller 18 and controller 32) , the at least one communication interface (see fig. 1), and the memory (see col. 5, lines 15-22). But Cannon fails to teach the controller configured to store in the memory at least one of:

(i} a first data set from said in-vehicle device received via said transceiver for delivery to one of said at least one global network based data processing resource via said at least one communication interface until communication is established between said at least

one communication interface and said one of at least one global network based data processing resource.

However, Razavi teaches the controller configured to store in the memory at least one of (see fig. 2):

(i} a first data set from the in-vehicle device received via the transceiver for delivery to one of the at least one global network based data processing resource via said at least one communication interface until communication is established between said at least one communication interface and said one of at least one global network based data processing resource (see figs. 1-2, page 1, sessions [0009-0011] and page 4, session [0035]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Cannon system and by providing of the collecting information from a vehicle network and transmit to the external network, and also received information from the external network thereto in order to provide user to communication in car network and external network using internet service provider (see fig. 1).

Regarding claim 2, Cannon teaches wherein the at least one of communication interfaces includes at least one of: a universal serial bus port, a personal data assistant interface, an RS232 interface, an RS485 interface, a carrier current interface, a network connection to the internet, a modem interface, a wireless modem interface, a cellular

phone transceiver, a cellular phone interface, a wireless data link, or a local area network interface (see col. 2, lines 49-67).

Regarding claim 3, Razavi teaches wherein the at least one of interfaces is a computer interface to a computer, the computer having data communication access to the at least one of global network based data processing resources via the computer interface, wherein the communication interface device by way of the computer interface, establishes communication with at least one of at least one of global network based data processing resources (see fig. 1, page 1, session [0009-0011).

Regarding claim 4, Cannon teaches wherein the transceiver establishes communication with the in-vehicle device via at least one of: a programmable storage device, a computer, a pocket sized personal computer, a pager, a wireless phone, or a personal data assistant (see col. 6, lines 33-38).

Regarding claim 5, Razavi teaches the communication interface device is the Internet appliance device (see figs. 1-4).

Regarding claim 6, Cannon teaches wherein the communication interface device is interconnected with at least one of: a computer, a pocket sized personal computer, a point of sale system, a database, a garage door opener, a gas pump, a toll booth, a change toll booth, a wireless toll-pass system, a traffic light pole, a pole, a traffic light, a parking

gate, a parking terminal, a store display, an internet appliance device, or a vehicle analyzer (see col. 5, lines 58-col. 6, lines 38).

Regarding claim 32, Razavi teaches, wherein said transceiver is configured to establish communication with said in-vehicle device via another communication interface device (see fig. 2).

Regarding claim 33, Razavi teaches wherein the transceiver is configured to establish communication with said in-vehicle device via a wireless device (see fig. 2).

Regarding claim 34, Razavi teaches wherein the transceiver is configured to establish communication with said in-vehicle device via a portable device transported from within said vehicle to the communication interface device (see fig. 2).

Regarding claim 35, Razavi teaches wherein the internet appliance device has a first function related to establishing communication between the in-vehicle device and the at least one global network based data processing resource and a second function unrelated to establishing communication between the in-vehicle device and the at least one global network based data processing resource (see figs. 1-4 and page 4, sessions [0035-0036]).

5. Claims 8-, 12-15, 36-38 and 39-46, are rejected under 35 U.S.C. 103(a) as being unpatentable over Razavi (U.S. Pub. No. 20010033225) in view of Stewart (U.S. Patent No. 6,452,498).

Regarding claims 36 and 39, Razavi teaches a method for managing communications between an in-vehicle device within a vehicle and at least one global network based data processing resource remote to the vehicle (see fig. 1), the method comprising the steps of:

establishing communication with said in-vehicle device (see page 1, session [0009]); establishing communication with one of the at least one global network based-data processing resources (see figs. 1 and 7, session [0058]); and communicating the stored data set to said in-vehicle device when communication with said in-vehicle device is established (see figs. 1-2, page 1, sessions [0009-0011] and page 4, session [0035]). But Razavi fails to teach the storing a data set from the one of at least one global network based data processing resource for delivery to said in-vehicle device.

However, Stewart teaches the storing a data set from the one of at least one global network based data processing resource for delivery to said in-vehicle device (see fig. 1, col. 6, lines 20-48 and col. 7, lines 16-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Razavi system and by providing of the information from a network thereto in order to provide user with the update information in mobile device.

Regarding claims 8 and 41, Razavi teaches wherein the data set includes a command and control data instruction (see page 4, session [0036]).

Regarding claims 12, Razavi teaches wherein the second data set includes at least one of the: the vehicle data, the vehicle telemetry data, the vehicle metric data, the in-vehicle device data, the in-vehicle device digital content, the in-vehicle device settings, the vehicle data, the in-vehicle device system preferences, the in-vehicle device digital audio content, or the in-vehicle device digital video content (see fig. 2, and page 3, session [0026]).

Regarding claims 13 and 43, Razavi teaches wherein the step of establishes communication with the in-vehicle device comprises the step of: establishes communication with the in-vehicle device via at least one of at least one of: a wireless phone, a personal data assistant, a pager, a pocket sized personal computer, an internet appliance device, or a programmable data storage device (see fig. 2).

Regarding claims 14 and 44, Razavi teaches establishes communication with the in-vehicle device comprises the step of: establishes communication with the in-vehicle device by way of at least one of: hard wired connection, infrared connection, BLUETOOTH standard and protocol, or WIRELESS APPLICATION PROTOCOL and standard (see fig. 2, page 3, sessions [0030-0032).

Regarding claims 15 and 45, Razavi teaches wherein the step of establishes communication with the in-vehicle device comprises the step of: establishes communication with the in-vehicle device via at least one of at least one of global network base data processing resource, storing the first data set, or communication the first store data set in vehicle device are performed via a internet applicant device (see figs. 1-4).

Regarding claim 37, Razavi teaches further comprising the steps of: storing a data set from said in-vehicle device for delivery to one of said at least one global network based data processing resource (see fig. 1, col. 6, lines 20-48 and col. 7, lines 16-31); and communicating the stored data set to the one of at least one global network based data processing resource when communication with the one of at least one global network based data processing resource is established (see page 7, session [0056] and page 8, session [0063]).

Regarding claims 38 and 40, Stewart teaches wherein step of storing a data set from the one of at least one global network based data processing resource comprises the step of: concurrently storing the data set from the one of at least one global network based data processing resource in a plurality of locations (see fig. 1, col. 6, lines 20-48 and col. 7, lines 16-31); and the step of communicating the stored data set to said in-vehicle device comprises the step of: communicating the stored data set to said in-vehicle device when communication with said in-vehicle device is established from one of said plurality of locations (see col. 5, lines 34-63, and col. 6, lines 20-48).

Regarding claim 42, Razavi teaches wherein said data set from said in-vehicle device includes at least one of (a) said vehicle data, (b) said vehicle telemetry data, (c) said vehicle metric data, (d) said in-vehicle device data, (e) said in-vehicle device digital content, (f) said in-vehicle device settings, (g) said in-vehicle device system preferences, (h) said in-vehicle device digital audio content, or (i) said in-vehicle device digital video content (see fig. 2, and page 3, session [0026]).

Response to Arguments

6. Applicant's arguments with respect to claims 2-6, 8, 12-15, 29, 31-47, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (703) 305-5622. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

Tan H. Trinh
Art Unit 2684
July 5, 2004